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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,474	08/23/2001	Anand S. Athreya	033402-003	9959

7590 06/23/2005
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EXAMINER

EMDADI, KAMRAN

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/938,474	ATHREYA ET AL.	
	Examiner	Art Unit	
	Kamran Emdadi	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-100 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

After having reviewed the originally filed claims 1-100, the claims are restricted as follows:

- I Claims 1-53 are drawn to a VLAN tagging unit, classified in class 370, subclass 389.
- II Claims 54-75, 82-84, and 97-100 are drawn to a unit for maintaining a table of VLAN IDs for different logical interfaces on a network, classified in class 370, subclass 395.31.
- III Claims 76-81 and 88-96 are drawn to a unit for maintaining a table of VLAN IDs for various QoS bandwidth requirements of different VLANs, classified in class 370, subclass 235.
- IV Claims 85-87 are drawn to a unit for maintaining a table of VLAN IDs for managing management functions of a VLAN, classified in class 370, subclass 384.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the VLAN tagging unit in claims 1, 25 and 40 for example, disclose producing one or more VLAN IDs associated with a customer network, whereas claims 54, 65, 82 and 97, disclose maintaining necessary

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information regarding VLANs assigned to customer networks to handle data forwarding and routing functions based on data received and/or designated logical interface information. The subcombinations in claims 54, 65, 82 and 97 have separate utility such as handling data based on a VLAN ID, whereas claims 1, 25 and 40 disclose performing VLAN tagging. Therefore, claims 1, 25 and 40 are aimed at designating one or more customer networks with a particular VLAN ID in contrast to the routing functions performed by claims 54, 65, 82 and 97.

Inventions III and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the unit disclosed in claims 76 and 88, for example, maintains a VLAN ID table and associated QoS parameters for handling bandwidth distribution and data flow operations, whereas claim 85 discloses performing an access control management function. The subcombination in claim 85 has separate utility such as management control functions, whereas claims 76 and 88 described QoS parameters associated with network data routing.

For similar reasons to those as stated above, inventions I and III-IV, and III and I-II are also unrelated.

A telephone call was made to the law offices of the currently assigned representative (Mathis), however, the case is no longer assigned to that representative

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thus no election could be made in response to the request for an oral election to the above restriction requirement.

Because these inventions are distinct for the reasons given above and the search required for Groups I-IV are all different, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is 571-272-6047. The examiner can normally be reached Monday-Friday between the hours of 7am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kamran Emdadi

June 20, 2005



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

6/22/05